

REMARKS

Claims 1-7, 9-37, 39-41 and 44-54 are still pending in this application. Claims 1 and 37 have been amended to require "using enrollment data" during the step of verifying the authenticity of the presenter. Claims 25 and 52 already require using the enrollment data and presumably this feature has already been searched. Claims 25 and 52 have been amended to require verifying the authenticity of the presenter during the enrollment process. Claims 1 and 37 already require this feature and it has presumably already been searched.

Reconsideration of the application is earnestly requested. Although the Examiner's arguments have been carefully considered, Applicant respectfully traverses these rejections as explained below. The independent claims 1, 25, 37 and 52 had been rejected under 35 USC §103 as being unpatentable over *Carrott et al.* (*Carrott*) in view of *Tsuei et al.* (*Tsuei*).

As pointed out in the previous reply, the independent claims require an enrollment process in which a trusted party receives enrollment data and profile data from a presenter (*i.e.*, a customer), authenticates the presenter using the enrollment data and then associates authentication data (for example, a password) with the presenter. Page 9, lines 7-9 of the application state that "enrollment data is required to verify the presenter's identity so that the trusted party can be assured that the correct person is being enrolled as an eligible and participating presenter." The advantage of the enrollment process is that the trusted party authenticates the presenter and the associated profile data such that the trusted party can later authenticate that any profile data submitted by the presenter to a merchant (an "acceptor") during a later transaction is authentic. The authentication data established during the enrollment process is later used by the presenter to prove that he is who he says he is.

Applicant questions whether the *Tsuei* reference is proper prior art. For the reference to be prior art, the portions relied upon by the Examiner in the published application must also be present in one of the priority applications because the earliest priority date of the present application (September 10, 2002) is before the filing date (January 10, 2003) of the published application.

Claim 1

Claim 1 requires an enrollment process in which the trusted party receives profile data from the presenter, authenticates the presenter using enrollment data and associates authentication data (for example, a password) with the presenter. Specifically, claim 1 requires:

- receiving, by said trusted party during an enrollment process, profile data and enrollment data from said presenter; and
- verifying, by said trusted party during said enrollment process using said enrollment data, the authenticity of said presenter and associating authentication data with said presenter.

The present office action acknowledges that *Carrott* does not explicitly disclose an enrollment process (page 3), but then does not specifically allege that the *Tsuei* reference does disclose receiving enrollment data from the presenter in order to authenticate that the presenter is who he says he is. In fact, *Tsuei* discloses nothing more than a typical credit card application process which does not verify the identity of the applicant.

Paragraph 24 of *Tsuei* discusses establishing a primary account and an alias account based upon the primary account. "The primary account is a conventional credit card account constructed in a credit card processing system using the factual information provided by an applicant for a credit card." Page 12 of *Tsuei* provides more detail about how these accounts are set up. "The card applicant's real identity and factual information used to establish credit are provided on the part 1 credit card application 104. The card applicants alias identity, for example, an alias name and alias address, are provided on the part 2 security stub 106" (paragraph 91). But, there is no verification of the applicant's supposed "true" identity using enrollment data; the information provided by the applicant is simply taken at face value and believed.

Further, *Tsuei* discloses "The part 1 credit card application 104 of application 102 is a standard credit application, while the separable part 2 security stub 106 is used to set up the alias account" (paragraph 98, emphasis added). "The part 1 credit card application 104 captures the normal information the issuer requires to make its credit decision and set up the primary account" (paragraph 99, emphasis added). "The issuer processes the part 1 credit card application 104 as any other application" (paragraph 100, emphasis added). Thus, these citations clearly indicate that the application is a typical credit card application, no special processing is performed, and certainly there is no in-depth analysis or verification of the applicant's true identity using enrollment data.

Applicant respectfully requests that the Examiner take official notice that thousands (if not millions) of credit card solicitations are sent daily by credit card issuers via the mail, via electronic mail, via web sites, via on-campus channels to students, etc. These typical, standard credit card applications are very simple to fill out and nearly anyone can qualify for credit—indeed, there is no requirement that you prove your identity and the issuer does not verify identity.

Because the *Tsuei* reference only discloses a standard credit application in which the applicant's identity is not verified, while claim 1 requires an enrollment process in which enrollment data is used to verify the authenticity of the presenter of that enrollment data, it is submitted that these features of claim 1 are not taught or suggested by the *Tsuei* reference and it is requested that the rejection be withdrawn.

#### Claim 25

Claim 25 also requires an enrollment process, specifically:

a presenter who submits enrollment data and profile data to a trusted party during an enrollment process, and with whom is associated authentication data during said enrollment process; and

said trusted party who receives said enrollment data and said profile data during said enrollment process, who verifies the authenticity of said presenter during said enrollment process using said enrollment data.

For the same reasons as discussed above with respect to claim 1, it is further submitted that these elements are not taught or suggested by *Tsuei*.

#### Claim 37

Similar to claim 1, claim 37 is a method claim requiring:

receiving, by said trusted party during an enrollment process, profile data and enrollment data from said presenter; and

verifying, by said trusted party during said enrollment process using said enrollment data, the authenticity of said presenter and associating authentication data with said presenter.

For the same reasons as discussed above with respect to claim 1, it is further submitted that these steps are not taught or suggested by *Tsuei*.

Claim 52

Similar to claim 25, claim 52 requires:

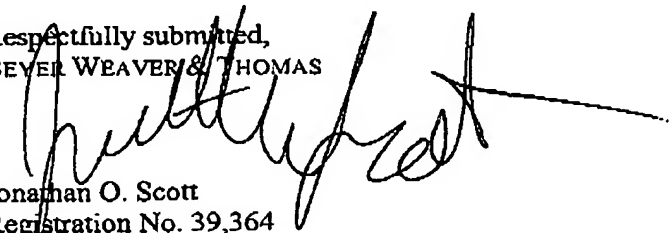
a presenter who submits enrollment data and profile data to a trusted party during an enrollment process, and with whom is associated authentication data during said enrollment process; and

said trusted party who receives said enrollment data and said profile data during said enrollment process, who verifies the authenticity of said presenter during said enrollment process using said enrollment data.

For the same reasons as discussed above with respect to claim 1, it is further submitted that these elements are not taught or suggested by *Tsuei*.

Reconsideration of this application and issuance of a Notice of Allowance at an early date are respectfully requested. If the Examiner believes a telephone conference would in any way expedite prosecution, please do not hesitate to telephone the undersigned at (612) 252-3330.

Respectfully submitted,  
BEYER WEAVER & THOMAS

  
Jonathan O. Scott  
Registration No. 39,364

BEYER WEAVER & THOMAS, LLP  
P.O. Box 778  
Berkeley, CA 94704-0778

Telephone: (612) 252-3330  
Facsimile: (612) 825-6304

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☒ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**